



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

JAN 24 2017

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RETURN RECEIPT REQUESTED

Ms. Bertha M. Goldenberg, P.E.  
Assistant Director, Regulatory Compliance & Planning  
Miami-Dade Water and Sewer Department  
Miami-Dade County  
3071 SW 38<sup>th</sup> Avenue  
Miami, Florida 33146

Re: Consent Decree (Case: No.: 1:12-cv-24400-FAM)  
Reference DOJ Case No.: 90-5-1-1-4022  
Section VI – Sewer Overflow Response Plan, Paragraph 19(b)

Dear Ms. Goldenberg:

The United States Environmental Protection Agency Region 4 and the Florida Department of Environmental Protection (FDEP) are in receipt of Miami-Dade County's (Miami-Dade) July 2, 2015 submittal of the Sewer Overflow Response Plan (SORP) set forth in Paragraph 19.(b). of the above-referenced Consent Decree (CD). The EPA has consulted with FDEP and we have the following comments and/or questions on the SORP:

Comments on SORP submitted 7/2/2015

1. Paragraph 19.(b).(i). of the CD requires that, within 24 hours of discovery, Miami-Dade shall report orally to FDEP via the State Warning Point Hotline for Sanitary Sewer Overflows (SSO) to waters of the United States or the State; SSOs greater than 1,000 gallons; or SSOs that endanger public health or the environment. Note that the statement says "or," not "and." In addition, on page 05-9 of the SORP, the last sentence refers to the "Florida State Water Office and the State Warning Point Hotline." The correct title is now the Florida State Watch Office.
2. Paragraph 19.(b).(iii) of the CD requires Miami-Dade to keep certain records related to SSOs for 5 years. On page 5-14 of the SORP, Miami-Dade states that it will keep EAMS work order records; EPA, RER-DERM and FDEP reports and forms; water quality sampling results; and Building Backup complaints and claims. The EPA and FDEP encourage Miami-Dade to keep other records for 5 years as well. For example, documentation of complaints or other notifications to Miami-Dade that a SSO occurred; field crew investigation notes, memos, photographs, etc.; documentation of WCTS line locates done if construction work caused the SSO; and any other records that explain the cause, location, sequence of events, WCTS components involved, consequences of the SSO, and enforcement or assessments against third parties.

3. Paragraph 19.(b).(iv). of the CD requires Miami-Dade to provide procedures for responding to all SSOs to minimize the environmental impact and potential human health risk of SSOs, including enumerated minimum procedures. On page 5-7 of the SORP, Miami-Dade provided criteria as to when public notification requirements should be implemented. Miami-Dade should revisit these criteria, as some smaller SSOs could potentially impact human health (e.g. a small volume SSO that occurs at a school or child care facility). Public notification would be unnecessary only if cleanup of the SSO has been completed before non-response employees or the public could be exposed to the sewage. The extent of public notification should vary with the scope of the SSO and potential consequences.
4. Paragraph 19.(b).(v). of the CD requires that the SORP include a detailed plan of the resources needed to correct or repair the condition causing the SSO. This detailed plan was not provided in the SORP. Many detailed resource plans are in other Miami-Dade CD submittals and could easily be imported into the SORP. Miami-Dade shall include a discussion of needed resources to appropriately respond to all SSOs.
5. Paragraph 19.(b).(vi). of the CD requires that the SORP include adequate training of response personnel for estimating SSO volumes. This training had not been developed at the time of the SORP submittal. Please provide an update on the status of the SORP training. In addition, the EPA found a typo in the area formula for a circle in Miami-Dade's March 11, 2016 *Standard Operating Procedure for Calculating Recovered Sanitary Sewer Overflow Volume*. The area formula for a circle in that document is shown as 3.14 time the radius squared divided by 2. There should be no division by 2 for that area formula.
6. Paragraph 19.(b).(vii). of the CD requires that the SORP identify the location where a SSO is likely to occur in the event of a Pump Station failure. Appendix E of the SORP attempts to meet this requirement, but did not provide a location for all of the Pump Stations. Miami-Dade should either completely fill in the locations or give the EPA and FDEP an estimate of time needed to identify the missing locations.
7. Paragraph 19.(b).(viii). of the CD requires that the SORP provide Pump Station bypass/pump-around strategies and procedures. While the SORP states that sometimes, a bypass pump may be installed in response to a Pump Station failure and cross-references the Pump Station Operations and Preventative Maintenance Program, no real strategies or procedures were provided in the SORP. In addition, on page 06-14 of the SORP, Miami-Dade describes bypass provisions for the wastewater treatment plants. FDEP does not approve the described discharges of inadequately treated wastewater to ocean outfalls, offsite areas, injection wells, or percolation ponds, and any such discharge is a violation of State Statute and Rules. Better alternatives must be developed for flow management in the event of a spill or failure at the wastewater treatment plants. Cases where a State or Federal disaster declaration is made will be addressed individually.
8. In addition to the requirements of the SORP above, the EPA and FDEP provide the following comments:
  - On page 04-2 of the SORP, Table 04.1, the annual average SSO response time is good, but a target maximum response time should also be identified.
  - On page 06-23 of the SORP, *Cryptosporidiosis* is an illness; the bacteria have the genus name *Cryptosporidium*.

- Water quality sampling protocols (Section 06.04 of the SORP) should specify that samples be collected mid-depth of where the plume of the SSO flows or is mixed with receiving waters so as to have impacts, not merely dipped from the surface at water's edge.

The EPA and FDEP will give final approval of the SORP pending answers to the above comments and/or questions. Miami-Dade should provide an updated SORP responding to the above comments within thirty (30) days of receipt of this letter. If you should have any questions regarding this matter, please contact Mr. Brad Ammons of the EPA at (404) 562-9769 or via email at [ammons.brad@epa.gov](mailto:ammons.brad@epa.gov).

Sincerely,



Maurice L. Horsey, IV, Chief  
Municipal and Industrial Enforcement Section  
NPDES Permitting and Enforcement Branch

cc: Mr. Jonathan A. Glogau  
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